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Robert Buckley, Jr; Art Rud; Ron Fahy; Robert

Nurisso; Frank Sullivan; U.A. Local 38 Pension

Trust Fund; U.A. Local 38 Health & Welfare Trust

Fund; U.A. Local 38 Apprentice & Journeyman

Training Trust Fund; U.A. Local 38 Scholarship

Trust Fund; U.A. Local 38 Vacation and Holiday

Trust Fund; U.A. Local 38 Convalescent Trust Fund

and Richard L. Milsner

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELAINE L. CHAO, Secretary of Labor,
United States Department of Labor,

Plaintiff,

v.

LAWRENCE J. MAZZOLA, et al.,

Defendants.

Case No. C 04 4949 PJH (EMC)

**DECLARATION OF RICHARD L.
MILSNER IN SUPPORT OF OPPOSITION
TO PLAINTIFF'S MOTION FOR
PARTIAL SUMMARY JUDGMENT**

I, Richard L. Milsner, declare as follows:

I am the Independent Trustee of the U.A. Local 38 Convalescent Trust Fund. I make this declaration in support of Defendants' Opposition to Plaintiff's Motion for Partial Summary Judgment. I make this declaration based on personal knowledge of the facts stated herein.

1. Attached hereto as Exhibit 1 is a true and correct copy of the “Asset Purchase Agreement by and between Richard L. Milsner, As Trustee of UA Local 38 Convalescent Trust and Local 38 Lakeside Haven and Kenwood Investments, LLC” (the “Purchase Agreement”) dated as of November 21, 2006.

2. The Purchase Agreement is the subject of a confidentiality agreement between the buyer and sellers in the transaction and was produced subject to the terms of the Stipulated Protective Order in this litigation.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed on this 7th day of February, 2007 at Valmont Creek, California.

Richard L. Milsner
Richard L. Milsner

SF1-560820v1

EXHIBIT 1

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 Robert Buckley, Jr; Art Rud; Ron Fahy; Robert
 Nurisso; Frank Sullivan; U.A. Local 38 Pension
 Fund; U.A. Local 38 Health & Welfare Trust Fund;
 U.A. Local 38 Apprentice & Journeyman Training
 Trust Fund; U.A. Local 38 Scholarship Trust Fund;
 U.A. Local 38 Vacation and Holiday Trust Fund;
 U.A. Local 38 Convalescent Fund and Richard L.
 Milsner

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 Pipefitters, and Journeymen International and
 Local 38 Lakeside Haven, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

ELAINE L. CHAO, Secretary of Labor,
 United States Department of Labor,

Plaintiff,

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LAWRENCE J. MAZZOLA, et al.,

Defendants.

Case No. C 04 4949 PJH (EMC)

MANUAL FILING NOTIFICATION

Date: March 7, 2007
 Time: 9:00 a.m.
 Courtroom: 3, 17th Floor
 Judge: Hon. Phyllis J. Hamilton

1 **MANUAL FILING NOTIFICATION**

2 Regarding: Declaration of Richard L. Milsner in Support of Defendants' Opposition to
 3 Plaintiff's Motion for Partial Summary Judgment. The documents listed below were filed in
 4 paper or physical form only, and are being maintained in the case file in the Clerk's office. If you
 5 are a participant in this case, this filing was previously served in hard-copy upon you. For
 6 information on retrieving this filing directly from the court, please see the court's main web site at
 7 <http://www.cand.uscourts.gov> under Frequently Asked Questions (FAQ).

8 1. Declaration of Richard L. Milsner in Support of Defendants' Opposition to Plaintiff's
 9 Motion for Partial Summary Judgment, Exhibit 1 which is a copy of the Asset Purchase
 10 Agreement by and between Richard L. Milsner, As Trustee of UA Local 38 Convalescent Trust
 11 and Local 38 Lakeside Haven and Kenwood Investments, LLC dated November 21, 2006.

12 This filing was not efiled for the following reason(s):

13 ☐ Voluminous Document (PDF file size larger than the efile system allows)

14 ☐ Unable to Scan Documents

15 ☐ Physical Object (description): _____

16 ☐ Non-Graphic/Text Computer File (audio, video, etc.) on CD or other media

17 ☒ Item Under Seal

18 ☐ Conformance with the Judicial Conference Privacy Policy (General Order 53).

19 ☐ Other (description): Poor quality of document, ECF system rejects because it cannot image.
 20

21
 22 Dated: February 14, 2007

Respectfully submitted,

JONES DAY

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 24 By: /s/ Elaine Wallace
 25 Elaine Wallace

26 SFI-561148v1
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